

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
JAMES BONINI
CLERK

2011 SEP 19 P 4: 00

RIDGE CORPORATION,
1201 ETNA PARKWAY
PATASKALA, OH 43062

PLAINTIFF,

v.

TRANSTEX COMPOSITE, INC.,
6200 HENRI-BOURASSA BOULEVARD
MONTREAL (QUEBEC)
H4R 1C3 CANADA

DEFENDANT.

CASE No. **2 : 11 cv 840**

JUDGE **JUDGE MADLEY**

MAGISTRATE JUDGE _____

MAGISTRATE JUDGE DEEVERS

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff Ridge Corporation ("Ridge") for its Complaint against Defendant
Transtex Composite, Inc. ("Transtex") states as follows:

PARTIES

1. Ridge is an Ohio corporation with its principal place of business in Pataskala, Ohio. Ridge is a leading developer and manufacturer of trailer lining systems and trailer side skirts in the United States.
2. Based upon information and belief, Transtex is a corporation organized under the laws of Canada with its principal place of business in Montreal, Canada. Transtex competes with Ridge in the trailer side skirt industry.
3. Based upon information and belief, Transtex is the owner of U.S. Patents Nos. 7,748,772 ("the '772 patent"), 7,887,120 ("the '120 patent"), 7,938,475 ("the '475 Patent"), 7,942,467 ("the '467 Patent"), 7,942,468 ("the '468 Patent"), 7,942,469

(“the ‘469 Patent”), 7,942,470 (“the ‘470 Patent”) and 7,942,471 (“the ‘471 Patent”). The aforementioned Patents will be collectively referenced herein as “the Transtex Patents.”

JURISDICTION AND VENUE

4. This is a complaint for declaratory judgment under 28 U.S.C. §§ 2201 and 2202. Based on the allegations set forth herein, there exists an actual controversy between the parties as to whether Ridge’s Green Wing Aerodynamic Side Skirt infringes any claims of the Transtex Patents.
5. This action arises under and relates to the patent laws of the United States, 35 U.S.C. § 1, et seq. Accordingly, this Court has jurisdiction over this Complaint under 28 U.S.C. §§ 1331 and 1338.
6. Based upon information and belief, Transtex markets and sells products throughout the United States, including the Southern District of Ohio. Furthermore, upon information and belief Transtex has an authorized sales representative in the State of Ohio, whom Transtex uses to distribute products into the Southern District of Ohio.
7. As set forth in more detail herein, Transtex has delivered a demand letter to Ridge in Pataskala, Ohio, which falls within the Southern District of Ohio. In that letter, Transtex demands that Ridge cease and desist selling its Green Wing Aerodynamic Side Skirt in the State of Ohio and elsewhere.
8. Based upon information and belief, Transtex has actively contacted Ridge customers, claiming falsely that the Green Wing Aerodynamic Side Skirt infringes upon claims in the Transtex Patents, in an attempt to enforce the

Transtex Patents against an Ohio company and interfere with Ridge's business relationships in the State of Ohio and elsewhere.

9. Accordingly, Transtex is subject to personal jurisdiction in the State of Ohio, and venue in this district is appropriate under 28 U.S.C. §§ 1391(b), (c) and (d) and 1400.

FACTUAL BACKGROUND

10. Ridge manufactures and sells a line of trailer side skirts known as the Green Wing Aerodynamic Side Skirt ("Green Wing"). The Green Wing skirts are designed to direct air flow around the trailer, which vastly improves fuel efficiency. In addition, Green Wing uses a unique Ground Clearance Arc design to enable a trailer to pass over obstacles such as railroad tracks.
11. Transtex manufactures and sells a competing line of trailer side skirts.
12. Transtex has previously sued Ridge in Montreal, Canada, asserting that Ridge's Green Wing design infringes certain industrial designs that Transtex has registered in Canada. Ridge has responded in that litigation that its Green Wing design does not infringe, and also that the industrial design registrations upon which Transtex relies are invalid and unenforceable. That litigation remains pending.
13. On September 9, 2011, Gary Grandominico ("Grandominico"), President of Ridge, received a demand letter ("the demand letter"), attached hereto as Exhibit A, from Patrick Beauger ("Beauger"), Executive Vice President of Transtex. In the demand letter, Beauger alleged that Ridge's Green Wing product infringes on claims of the Transtex Patents. Additionally, Beauger demanded that Ridge

“immediately stop all manufacture, use sale, promoting, advertising, instructing and marketing of the infringing trailer skirt products.”

14. In addition to the demand letter, upon information and belief Transtex has been actively contacting Ridge’s customers and potential customers, claiming falsely that Ridge’s Green Wing side skirt infringes upon claims in the Transtex Patents.

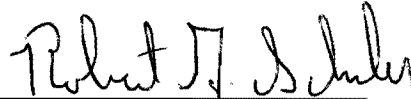
CLAIM FOR DECLARATORY JUDGMENT

15. Ridge realleges and restates paragraphs 1-14 as if fully rewritten herein.
16. Transtex has asserted that the Green Wing side skirt infringes upon the Transtex Patents.
17. The claims of the Transtex Patents are invalid for failure to comply with one or more of the conditions for patentability set forth in 35 U.S.C. §§ 101, 102, 103, and 112.
18. Ridge has incurred significant time and expense in developing, manufacturing, and marketing the Green Wing line of trailer side skirts. Transtex’s assertions that the Green Wing product infringes the Transtex Patents has caused, and will continue to cause, damage to Ridge, as well as uncertainty with respect to future production and sale. Furthermore, Ridge contends that the Transtex Patents are invalid, and that Ridge cannot be required to alter or reduce the manufacture and sale of the Green Wing based upon unfounded claims of infringement.
19. An actual controversy exists between the parties with regard to the scope and validity of the Transtex Patents, and whether Ridge’s Green Wing Aerodynamic Side Skirt infringes upon the Transtex Patents.

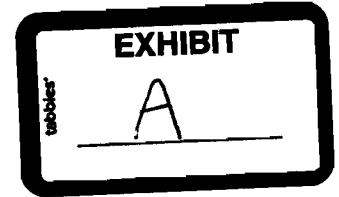
WHEREFORE, Ridge prays for relief against Transtex as follows:

- A. A declaratory judgment that the '772 Patent, the '120 Patent, the '475 Patent, the '467 Patent, the '468 Patent, the '469 Patent, the '470 Patent, and the '471 Patent are invalid.
- B. A declaratory judgment that Ridge's Green Wing Aerodynamic Side Skirt, does not infringe upon any claims of the '772 Patent, the '120 Patent, the '475 Patent, the '467 Patent, the '468 Patent, the '469 Patent, the '470 Patent, or the '471 Patent.
- C. That Ridge be awarded its attorneys' fees and other costs of suit; and
- D. Such other relief as the Court deems just and proper.

Respectfully submitted,



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Counsel for Ridge Corporation



BY EMAIL WITH ENCLOSURES
AND ORIGINAL LETTER BY
FEDEX COURIER SERVICE

September 9th, 2011

Mr. Gary Grandominico
President
Ridge Corporation
1201 Etna Parkway
Pataskala, OH 43062

Dear Mr. Grandominico,

Transtex Composite, Inc. is the owner of US patents nos. 7,748,772, 7,887,120, 7,938,475, 7,942,467, 7,942,468, 7,942,469, 7,942,470 and 7,942,471 (copies enclosed).

Although you are likely aware of these patents, this letter is formal written notice that your trailer skirt products, e.g., the "Green Wing" side skirt, infringes one or more claims of each of US Patents nos. 7,748,772, 7,887,120, 7,938,475, 7,942,467, 7,942,468, 7,942,469, 7,942,470 and 7,942,471.

We request that Ridge Corporation immediately stop all manufacture, use, sale, promoting, advertising, instructing and marketing of the infringing trailer skirt products.

Very truly yours,

A handwritten signature in black ink, appearing to read "Patrick Beauger", written over a horizontal line.

Patrick Beauger
Executive Vice President
Transtex Composite, Inc.

Encl. Copies of US Patent no. 7,748,772 / US Patent no. 7,887,120 / US Patent no. 7,938,475 / US Patent no. 7,942,467 / US Patent no. 7,942,468 / US Patent no. 7,942,469 / US Patent no. 7,942,470 / US Patent no. 7,942,471

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